

Notice of Allowability

Application No.

09/810,283

Examiner

Lynda M Salvatore

Applicant(s)

ESPE, ROLF

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/23/03.
 2. ☒ The allowed claim(s) is/are 1,3-21.
 3. ☒ The drawings filed on 16 March 2001 are accepted by the Examiner.
 4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
 6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment and accompanying remarks dated August 23rd, 2003 have been carefully considered and entered. Applicant's amendments to claim 1 are found sufficient to overcome the claim rejections under 35 U.S.C. 102(b) as being obvious over Hennecken et al., DE 19709644 (translated) in view of Kawachi et al., US 4,603,175 as set forth in section 4 of the last Office Action. Thus, this rejection is withdrawn. Applicant's amendments to claim 1 are also found sufficient to overcome the claims rejected under 35 U.S.C. 103(a) as being unpatentable over Hennecken et al., DE 19709644 (translated) in view of Kawachi et al., US 4,603,175, as applied to claims 1 and 13 above, and further in view of Douglas et al., WO 96/13376 as set forth in section 4 of the last Office Action. Thus, this rejection is also withdrawn. Applicant's amendments are now found sufficient to patentably distinguish the claims over the prior art of record for reasons set forth herein below.

Allowable Subject Matter

2. Claims 1 and 3-21 are allowable over the prior art of Hennecken et al., and Kawachi et al. Specifically, the prior art of Hennecken et al., and Kawachi et al., fails to teach a woven fabric comprising at least one of "cross-linked" elastomer blend prepared by crosslinking a mixture of a raw crude silicone rubber and a raw crude fluorosilicone rubber, and second blend elastomers prepared by crosslinking a mixture of a raw crude silicone rubber and a raw crude fluorinated rubber. An updated search produced no new substantial art for which to base a rejection and presently there is no motivation or suggestion to combine references to form an obvious type rejection.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 703-305-4070. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

October 16, 2003

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PRIMARY EXAMINER